

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

RODRIGO ZERMENO-GOMEZ,
et al.,

Petitioners,

v.

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA,

Respondent Court,

and

UNITED STATES OF AMERICA,

Real Party in Interest.

C.A. No. 17-71867

D. Ct. Nos. 2:17-mj-09200-ESW-1;
2:17-cr-00803-DLR-1; and
2:15-cr-00280-SMM-1

**MOTION TO EXTEND TIME TO
FILE PETITION FOR
REHEARING AND SUGGESTION
FOR REHEARING *EN BANC***

In accordance with Rules 35 and 40 of the Federal Rules of Appellate Procedure, the United States hereby moves this Court for a 30-day extension of time to file a petition for rehearing with suggestion for rehearing en banc in the above-captioned matters, from September 8, 2017, to and including October 10, 2017. This motion is supported by the attached Declaration of Krissa M. Lanham, Assistant United States Attorney.

Respectfully submitted this 31st day of August, 2017.

ELIZABETH A. STRANGE
Acting United States Attorney
District of Arizona

s/ Krissa M. Lanham
KRISSA M. LANHAM
Assistant U.S. Attorney
40 North Central Avenue, Suite 1200
Phoenix, Arizona 85004-4408
Telephone: (602) 514-7500

DECLARATION

KRISSA M. LANHAM hereby states:

1. I am the Assistant United States Attorney (AUSA) with primary responsibility for handling the appeal in this case; on behalf of the Real Party in Interest;

2. This Court filed an order granting a petition for writ of mandamus in the case on August 25, 2017;

3. Any petition for rehearing or suggestion for rehearing en banc is therefore due on September 8, 2017;

4. As the AUSA with primary responsibility for the case, I must provide input and assistance to the Acting United States Attorney for the District of Arizona, as well as to attorneys in the Criminal Division of the Department of Justice and the Office of the Solicitor General, who will all review the order to determine whether a petition for rehearing or suggestion for rehearing en banc will be filed by the United States;

5. Review by those parties cannot be completed within the fourteen-day period provided for by Fed. R. App. P. 40; therefore, the United States requests a 30-day extension of time to file its petition, from September 8, 2017, to and including October 10, 2017;

6. No previous request for extension has been made by the United States for this motion; and

7. Counsel for petitioners, Daniel Kaplan, has advised that he has no objection to this request.

Dated this 31st day of August, 2017.

s/ Krissa M. Lanham

KRISSA M. LANHAM

Assistant U.S. Attorney

CERTIFICATE OF SERVICE

I hereby certify that on August 31, 2017, I electronically filed the foregoing with the Clerk of the Court for the United States Court of Appeals for the Ninth Circuit by using the appellate CM/ECF system.

I certify that all participants in the case are registered CM/ECF users and that service will be accomplished by the appellate CM/ECF system.

s/ Melody A. Karmgard
MELODY A. KARMGARD
Paralegal Specialist